

Message Text

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14

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C O N F I D E N T I A L SANTIAGO 1256

EO 11652: GDS

TAGS: PINT, PINS, SHUM, CI

SUBJECT: NAVY TRIAL OF LUIS CORVALAN ET AL

REFS: (A) SANTIAGO 0901, (B) SANTIAGO 1169

1. SUMMARY: FEBRUARY 16 SENIOR CAREER OFFICER OF FOREIGN MINISTRY, WHO HAS GIVEN US GOOD INSIDE INFORMATION IN PAST, GAVE EMBOFF FIRST INDICATION OF OFFICIAL THINKING ON NAVY TRIAL OF COMMUNIST PARTY (PCCH) LEADER LUIS CORVALAN AND GROUP OF OTHER ALLENDE-ERA PERSONALITIES: HE SAID TRIAL HAS BEEN POSTPONED BUT PRESUMABLY WILL TAKE PLACE EVENTUALLY. END SUMMARY.

2. FOREIGN MINISTRY OFFICIAL SAID THAT FOREIGN MINISTER CARVAJAL HAD PUT TO SENIOR LEVEL MINISTRY OFFICIALS QUESTION OF TRIAL'S POSTPONEMENT. THEY HAD UNANIMOUSLY RECOMMENDED POSTPONEMENT TO MINISTER, BOTH BECAUSE OF EFFECT TRIAL WOULD HAVE IN CURRENT INTERNATIONAL SCENE, AND TO AVOID TRIAL TAKING PLACE UNDER MILITARY COURT'S WARTIME RULES, WHICH CURRENTLY PREVAIL FOR TRIAL OF THIS IMPORTANCE, ARE MORE STRICT THAN PEACETIME RULES AND PROVIDE FOR STIFFER PUNISHMENT. ALSO UNDER WARTIME RULES ULTIMATE APPEAL WOULD BE MADE TO PRESIDENT PINOCHET, AND SOURCE SAID MINISTRY PREFERRED TO
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KEEP HIM AWAY FROM CORVALAN CASE. UNDER PEACETIME RULES,

FINAL APPEAL WOULD BE TO CIVILIAN SUPREME COURT.

3. SOURCE CONTINUED THAT CORVALAN AND HIS FELLOW DETAINEES ARE CHARGED WITH VARIOUS OFFENSES, BUT THE ONE COMMON TO ALL IS ILLEGAL IMPORTATION OF ARMS DURING ALLENDE PERIOD TO SUPPLY PARAMILITARY FORCES. (COMMENT: THIS IS NEW TO US. WE DOUBT THAT CHARGE WOULD HOLD FOR ALL DEFENDANTS.) NAVY INVESTIGATION BEGAN BEFORE SEPTEMBER 11, 1973 COUP, AND NAVY SEEMS DETERMINED TO FOLLOW THROUGH. IDEA IS, HOWEVER, TO HOLD OFF TRIAL UNTIL DEGREE OF STATE OF SIEGE IS FURTHER REDUCED (LOWER LEVELS PROVIDE FOR PEACETIMES RULES FOR ALL MILITARY TRIALS) OR UNTIL SOME OTHER MEANS IS FOUND TO SUBJECT CORVALAN TRIAL TO CIVILIAN RATHER THAN PRESIDENTIAL REVIEW. SOURCE SPECULATED THAT SUPREME COURT UNDER ITS NEW PRESIDENT MIGHT EVENTUALLY RULE THAT IT HAS JURISDICTION OVER ALL TRIALS IN COUNTRY. (IN FACT, COURT UNDER HIS PRESIDENCY HAS CONTINUED TO RULE TO THE CONTRARY.)

4. COMMENT: FROM INTERNATIONAL STANDPOINT GOC WOULD PROBABLY BE BEST ADVISED TO LET ALL DEFENDANTS LEAVE CHILE. THAT RULED OUT, INDEFINITE POSTPONEMENT OF THE TRIAL IS BETTER THAN GOING THROUGH WITH IT NOW. TRADITIONAL MOMENT TO REDUCE LEVEL OF STATE OF SIEGE WOULD BE THIRD ANNIVERSARY OF COUP, NEXT SEPTEMBER 11; LESS LIKELY WOULD BE TWO AND HALF YEAR ANNIVERSARY MARCH 11. TECHNICALLY, IN ORDER TO BRING ALL MILITARY TRIALS UNDER PEACETIME RULES, STATE OF SIEGE ITSELF WOULD HAVE TO BE ABOLISHED AND RELIANCE PLACED ON ONE OF THREE LOWER LEVELS OF STATE OF EMERGENCY (75 SANTIAGO A-91). OUR SOURCE DOES NOT PRETEND TO KNOW WHAT GOC WILL EVENTUALLY DO WITH CORVALAN; GOC ITSELF PROBABLY DOES NOT KNOW NOW. BUT IT LOOKS AS IF CORVALAN ET AL WILL CONTINUE IN PRE-TRIAL STATUS FOR INDEFINITE PERIOD.

5. FOREIGN MINISTRY SOURCE ALSO GAVE US FIRST OFFICIAL INDICATION OF WHAT WE HAD SUSPECTED AND SO REPORTED AT THE TIME THAT GOC HAD TRIED TO BARGAIN WITH USSR ON RELEASE OF CORVALAN. SOURCE SAID THAT AFTER PINOCHET'S SEPTEMBER 1974 OFFER TO RELEASE POLITICAL PRISONERS, IN EXCHANGE FOR USSR AND CUBA DOING THE SAME, ICRC TOOK INITIATIVE IN TRYING TO WORK OUT DEAL BETWEEN GOC AND USSR. SOURCE SAID THE IDEA

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FOUNDERED WHEN TWO COUNTRIES COULD NOT AGREE ON SPECIFIC CONDITIONS.
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